

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3-14, 16-59, 61-72, and 74-116 are presently active in this case, Claims 1, 13, 14, 30, 38, 45, 52, 59, 71, 72, 88, 96, 103, and 110 having been amended and Claims 2, 15, 60, and 73 having been canceled without prejudice or disclaimer by way of the present Amendment. The Applicant respectfully requests the entry of the amendments set forth herein as the amendments place the application into condition for allowance and reduce the issues for appeal as the amendments merely incorporate subject matter from dependent claims into the independent claims.

In the outstanding Official Action, Claims 1-3, 7-16, 19, 20, 23-32, 35, 39, 41-46, 49, 53, 55-61, 65-74, 77, 78, 81-90, 93, 97, 99-104, 107, 111, and 113-116 were rejected under 35 U.S.C. 102(e) as being anticipated by Hunter et al. (U.S. App. Patent Pub. No. 2002/0056118). Claims 4-6, 17, 18, 21, 22, 33, 34, 37, 38, 40, 47, 48, 51, 52, 54, 62-64, 75, 76, 79, 80, 91, 92, 95, 96, 98, 105, 106, 109, 110, and 112 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. in view of Srinivasan (U.S. Patent No. 6,460,076). Claims 36, 50, 94, and 108 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. in view of Srinivasan and further in view of Allen (U.S. Patent No. 5,794,217).

In the Office Action, the Hunter et al. reference is indicated as anticipating each of independent Claims 1, 14, 30, 45, 59, 72, 88, and 103. However, the Applicant notes that a

claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As will be demonstrated below, the Hunter et al. reference clearly does not meet each and every limitation of the independent Claims 1, 14, 30, 45, 59, 72, 88, and 103.

Claim 1 has been amended to incorporate the subject matter of Claim 2 and recites a method comprising, among other features, transmitting the information to the computer in order for the device of the computer to write the information to the removable medium without writing any of the information to an intermediate storage device when the determining step determines that the device is an appropriate device for writing to the removable medium, and transmitting the information to the computer in order for the intermediate storage device to store the information followed by reading the information from the intermediate storage device and writing the information to the removable medium using the device, when the determining step determines that the device is not an appropriate device for writing to the removable medium. (See also, Claims 14, 59, and 72.) Claim 30 recites a method of storing information comprising, among other features, writing the second importance information to a storage medium which is different from the hard disk drive, without writing any of the second importance information to the hard disk drive when a device configured to write to the storage medium does satisfy predetermined criteria including a capability to deal with an interrupted or non-steady data flow, and wherein said step of writing the second importance information writes the second importance information

to the hard disk drive, when the device configured to write to the storage medium does not satisfy predetermined criteria including at least one of a model number and a manufacturer. (See also, Claims 45, 88, and 103.) The Applicant submits that the Hunter et al. reference does not teach the above features, and therefore does not anticipate the independent claims of the present application.

The Hunter et al. reference does not disclose transmitting the information directly to the removable medium when the device is appropriate, and when the device is not appropriate then transmitting the information to an intermediate storage device to store the information followed by reading the information from the intermediate storage device and writing the information to the removable medium using the device. The Hunter et al. reference does not disclose or even suggest such features.

The Official Action suggests that the Hunter et al. reference teaches transmitting information to an intermediate storage device if the device for writing is not an appropriate device. The Official Action points to Figure 17 and paragraph [0169] of the Hunter et al. reference for such a teaching. However, this section of the reference makes no mention of a determination about whether the device is an appropriate device for writing to a removable medium or not, and certainly does not disclose transmitting the information to an intermediate storage device to store the information followed by reading the information from the intermediate storage device and writing the information to the removable medium using the device when the device is not appropriate for writing directly to the removable medium.

Typically, systems will abort transmission if it is determined that the device is not

appropriate for a particular procedure. For example, as noted with respect to the Srinivasan reference, the invention described therein aborts a requested download when it is the device is not compatible with the request, and sends an error message. The Hunter et al. reference does not disclose any type of determination about whether the device is appropriate for direct writing to a removable medium and an alternative course of action if it is not found to be appropriate. In fact, the Official Action cites to paragraphs [0213]-[0216] for the teaching of the determination of whether the device is appropriate, yet this portion of the reference merely discusses ways to ensure that the device works properly, and does not disclose any type of determination about whether the device is appropriate or not. In fact, the system described in the portion of the reference relies on the use of an intermediate storage device in each instance (see paragraph [0217]).

Accordingly, the Applicant respectfully submits that the Hunter et al. reference does not anticipate the independent claims of the present application. Thus, the Applicant requests the withdrawal of the anticipation rejection of independent Claims 1, 14, 30, 45, 59, 72, 88, and 103.

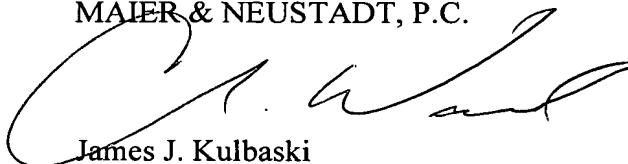
The dependent claims are considered allowable for the reasons advanced for independent claims from which they respectively depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of their respective independent claims.

Application Serial No.: 09/764,270
Reply to Office Action dated November 22, 2005

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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A handwritten signature in black ink, appearing to read 'J. Kulbaski', written over the printed name.

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